

Minutes of a Regular Meeting February 6, 2003

Town of Los Altos Hills City Council Regular Meeting

Thursday, February 6, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Fenwick called the Regular Meeting of the City Council to order at 6:01 p.m. in the Council Chambers at Town Hall.

Present: Mayor Fenwick, Mayor Pro Tem Cheng and Councilmembers Kerr and O'Malley. Councilmember Warshawsky (6:06 p.m.)
Absent: None
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner, and City Clerk Karen Jost
Press: Scott Wong, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously by those Councilmembers present to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

4. CONSENT CALENDAR

Item Removed: 4.9 (O'Malley)

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Kerr and passed unanimously to approve the remainder of the Consent Calendar, specifically

- 4.1 Approval of Minutes: January 16, 2003 Regular City Council Meeting
- 4.2 Approval of Warrants: 01/09/2003 – 01/29/2003 (\$228,743.92)
- 4.3 Fast Track Application: approved by the Planning Director: Lands of Pica – (248-02-ZP-SD), 12000 Kate Drive, a request for a basement addition.
- 4.4 Fast Track Application: approved by the Planning Director: Lands of Flake and Hedayati – (137-02-ZP-SD), 12445 Hilltop drive, a request for a new residence.

- 4.5 Request for Temporary Elimination of No Parking Zone and Use of Amplified Sound on Purissima Road During Major Events – Los Altos Hills Little League
- 4.6 Approval of the Quarterly Interest Report
- 4.7 Approval of Extension of the Zanker Road Recycle Facility Yard Waste Drop-Off Program for Los Altos Hills Residents Reso #7-03
- 4.8 Acceptance of 2002 Sewer Cleaning & Video Inspection Work Reso #8-03
- Item Removed:
- 4.9 Acceptance of the Tracy Court Bridge Project Reso#9-03

Councilmember O'Malley expressed frustration in justifying the expense of approximately \$300,000 for the repair of a bridge that serves only four lots as a connection to a major road. He asked staff to explain the Town's obligation for this project. Staff stated that the bridge was built in the late 1970's as a subdivision improvement requirement and dedicated to the Town. It has since been reviewed by the Town's engineering consultant, Mark Thomas, and found to have not been built to approved standards. Because of the length of time since approval, Town has no recourse with the subdivider or contractor.

Councilmember O'Malley recommended that in the review process of subdivisions, Council be made aware of projects that could pose a potential financial liability to the Town. Any similar prospective project should be built to standards that would ensure an appropriate life span of the bridge and be closely monitored by the Town or the Town should not accept the dedication and the street should remain private.

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Fenwick and passed unanimously to accept the Tracy Court Replacement Bridge Project.

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Committee Report

Councilmember Kerr reported on the New Town Hall Committee meeting of February 4, 2003. The four architects invited to participate in the style phase of the New Town Hall were introduced to the Committee; Barry Nathan – Rural Design, Peter Duxbury – Craftsman Design, John Goldman – Mission Design and David Arkin and Anni Tilt – Sustainable/Ecological Design. Each addressed the Committee and gave them a brief overview of their background and prior work. The architects participated in a tour of the Town Hall facilities and a question and answer period with the Committee.

The architects agreed to a February 24, 2003 target date for submittal of the style renderings. The designs will be presented to the Committee at their February 25, 2003 meeting in a 24x36 hard format and reviewed by Council before being displayed in Council Chambers for public

viewing. The architects will also work with Duffy Price, editor of the Town Newsletter, to have sketches and narratives of their designs in the next issue.

A Website Sub-Committee of Bill Kerns and Al Whaley was established. They will work with the Town's technical consultants to develop a site on the Town webpage to disseminate information on the New Town Hall project.

Town staff was directed to review the Goldman Building Program for functional requirements of Town Hall. An executive summary will be developed and submitted to the Committee at their next meeting.

Councilmember Kerr added that the architects will sign a contractual agreement with the Town for the style phase of the project. This will ensure maximum flexibility in the next phase of the project, selection of the architect of record.

5.1.2 Undergrounding of Utilities – Committee Report

Councilmember Warshawsky reported that the Undergrounding Committee is planning to meet with the Tiburon group that was instrumental in the successful undergrounding project for their neighborhood in early March. The next Underground Committee Meeting is scheduled for February 25, 2003.

Mayor Pro Tem Cheng asked if Warshawsky was familiar with correspondence from Mr. Donald McCauley. Warshawsky indicated that he has received the letter regarding Mr. McCauley's issues with undergrounding, specifically the cost. City Manager Maureen Cashingham added that she had been in contact with Mr. McCauley and has extended an invitation for him to attend the next scheduled meeting of the Undergrounding Committee. Mayor Fenwick suggested the Committee members closely assess his letter. Fenwick noted that the former Utilities and Information Committee had collected volumes of information on costs associated with undergrounding.

5.1.3 Accurate Master Pathway Map – Committee Report

Councilmember O'Malley reported that his Pathway Map Ad-Hoc Committee has met twice. They are reviewing the April, 2002 updated version of the 1981 Pathway Map. The group will be meeting again on Friday, February 7, 2003 at Town Hall to begin documenting the off-road pathway easements by referencing the subdivision or parcel map and, if necessary, researching property deeds. O'Malley added this work will proceed systematically starting with Section 1-A. He is encouraging the public to attend the work sessions. The committee is also researching emails and letters received this past summer from residents with concerns about the accuracy of the new Pathway Map.

Councilmember O'Malley noted the initial goal of the group is to authenticate all pathway easements. Aided by work previously completed by City Engineer Mintze Cheng and John Chau and with the help of volunteers Dot Schreiner, Les Earnest, Bob Stutz, Carol Gottlieb, Bill Downey and Councilmember Kerr, O'Malley set a target of completion for validating the easement information at three months.

Several meetings will be scheduled for the evening to accommodate residents and Councilmembers who are unable to attend the afternoon meetings.

5.1.4 View Protection Ordinance – Staff Status Report

Planning Director Carl Cahill informed Council that the View Protection Ordinance has been placed on the February 27, 2003 Planning Commission Meeting for their review.

6. NEW BUSINESS

6.2 Los Altos Hills Volunteer Dinner

PASSED BY CONSENSUS: To set the date of Friday, March 21, 2003 for the Los Altos Hills Volunteer Recognition Dinner. The event will be held at Fremont Hills Country Club. Dinner to be catered by Chef Chu..

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Fenwick reported on the February 4th Emergency Communications Committee Meeting. Thirteen of the sixteen committee members were in attendance and five guest licensed amateur radio operators participated in the meeting.

Councilmember O'Malley reported on his attendance at a contract negotiation meeting with the City Manager and Bill Jones and Joe Renati, representatives of the Los Altos Garbage Company. The Town has hired a consultant to assist in the process and O'Malley added he is pleased with the progress that has been made towards the renewal of the contract

Mayor Pro Tem Cheng reported on her attendance at the Parks and Recreation Committee Meeting and the Joint Powers Authority Library Board Meeting. Cheng noted the Parks and Recreation Committee has scheduled many activities for this summer. They will be announced in the Town Newsletter. Several dates to reserve: May 10th for the Los Altos Hills Walk – Run and June 10th for the Town Picnic. Cheng added staff is presently interviewing candidates for the position of Parks and Recreation Supervisor.

Mayor Pro Tem Cheng explained the Libraries are presently faced with uncertainty regarding their budget for Fiscal Year 2002-2003. If the State should reduce their revenues as anticipated, they could have a possible deficit of \$2,000,000. Staff requested direction from the JPA Board on addressing this issue. They had the option of possible reductions in their operating budget, staff and book budget if the funding cuts come to fruition or to make up the deficit with funds from their cash reserves. The Board directed the budget be prepared and, if the Government funding is reduced, to use their reserves.

Councilmember Warshawsky attended the Pathway Committee Meeting and he deferred his report to Item 9.1

Councilmember Kerr reported on the Friends of Westwind Board Meeting. He noted that his attendance was to better familiarize himself with Westwind Barn and their activities. Kerr added a pilot program for beginning riders is being initiated and the course will serve children of the Town who do not own horses. Kerr thanked staff for assisting the Friends of Westwind with acquiring the necessary insurance for this program.

8. STAFF REPORTS

8.1 City Manager

Council had before them a staff report prepared by the City Manager and the Administrative Services Director regarding the status of the Town's Website development and information on the Geographic Information System. Cassingham noted the recent redesign process for the website is evolving. The website is presently migrating from providers VPI.net to our information technology support consultants, the City of Palo Alto. The process should be complete by the end of the month. The City of Palo Alto's IT Department is currently providing website support to several cities and is very sensitive to the Town's need for timely postings of meeting agendas, minutes and staff reports.

Cassingham reported that staff is planning a site visit to Palo Alto on February 10th for a demonstration of their Geographic Information System (GIS). She will report back to Council on the feasibility of implementation and estimates of costs of such a system.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Pathway Committee Membership – Councilmember Dean Warshawsky

Councilmember Warshawsky had brought this item before Council for consideration. He noted that the Town is very appreciative of their volunteers and their dedication of time and energy. It was with this in mind that he initiated this item for Council consideration.

Warshawsky reported that he had attended a Pathway Committee meeting recently as Council liaison. After attending the meeting, Warshawsky came to the conclusion that it would be beneficial to increase the size of the Pathway Committee. Reasons he gave for increasing the size: greater use of the pathway system recently by Town residents; fresh faces bring fresh ideas; and it would provide more manpower for special projects: progressive maintenance program and weekend walks. Warshawsky added that during his campaign for the recent election, many residents voiced their disenchantment with the Committee and their policies and wanted to see changes made. He noted the recent Citizen's Referendum was a clear indicator of how the Town

feels and by making changes now to the Committee, it will show that Councilmembers are “citizen representatives”.

Mayor Pro Tem Cheng asked how many members Councilmember Warshawsky was considering to add to the committee. Warshawsky responded that it was open to discussion.

Mayor Pro Tem Cheng acknowledged that the Citizen’s Referendum clearly reflected the dissatisfaction of many residents with the Council approved Pathway Map. As a Councilmember, she supports the will of the majority and acknowledged that was her reason for voting for the Referendum. However, she is not in favor of changing the size of the Committee.

Mayor Pro Tem Cheng commented that the present Committee is composed of nine members with diverse viewpoints. They are all volunteers and have been very responsible in carrying out their charge. They received direction from the former Council and now they would receive direction from the present Council. Cheng noted that the Committee members have had an excellent record of attendance at their meetings. They reviewed over 50 properties and 95% of the recommendations were passed unanimously by the Committee. Cheng would be in favor of adding more members to the Committee if there was a present need, but at this time, she could not support it. The committee would be too large to function well and would have difficulty in attaining a quorum for their meetings. Adding members to change the political composition of the Committee would set a precedent and with each election, Committee memberships would be changed. Cheng commented on correspondence received from Ginger Summit and noted that most work that is referenced should be done by Town staff not by the committee. Several positions will be opening up for appointment due to term expirations and Cheng hoped Council would consider waiting to add new members.

Councilmember O’Malley referred to the changes to the Pathway Committee membership that were made by former Councilmember Casey as being blatantly political. Five new members were appointed by Council who have no interest in off-road pathways. He recalled the special evening meeting that was scheduled without his knowledge, as the Council liaison to the Committee, where DuBose Montgomery was elected as the new Chair. O’Malley would like to see new people appointed to the Pathway Committee who have no ties to either “side” in the pathway discussion.

Councilmember Kerr expressed his frustration with the necessity of Council discussion on every project that comes before them with pathway issues. This should be the charge of the Committee. Unfortunately, due to the lack of confidence he has with the Chairman and the Committee to perform their duties with a balanced approach, the Council is ultimately having to monitor their actions. Kerr noted that he favors the reconstruction of the Committee and change in the leadership.

Mayor Fenwick spoke to the issue of politicizing committees. He noted that historically, the manipulation of the number of people on appointed bodies for political purposes has been practiced as long as there have been governments. However, he is not aware of this ever happening in Town and due to the lack of personal history with Town politics, it is difficult to say what has occurred in the past. Fenwick hoped that Council would take an alternative approach to adding members and chose normal attrition to readjust the membership of the

Pathway Committee. Fenwick concurs with Mayor Pro Tem Cheng that there is no great emergency to change the Committee at this time. He added that he would prefer to see the completion of the Pathway Map project by Councilmember O'Malley and his Committee. Fenwick acknowledged that the present Committee has been very busy and developed a proposed new Master Pathway Map and Pathway Easement Map. He noted that prior committees focused primarily on acquiring new easements and did not maintain meticulous records.

OPENED PUBLIC HEARING

Ginger Summit, 12390 Lennox Way, explained that she wrote the letter that has been referenced during this discussion. Her motivation for writing the letter was not political. She feels the workload of the Committee has been primarily focused on site development reviews. Summit would like to see additional members to assist Town staff with path maintenance; to enable member representation at Planning Commission and City Council meetings to address specific concerns on pathway issues and make recommendations and to ensure follow through and to enable an increase in the numbers of recreational activities on paths like weekend walks. Summit concluded that her letter was meant to enhance the system and to add the manpower that is needed.

Nancy Ewald, 26131 Alta Dena, would like to see two new members added to the committee. She noted that four would be too many. She expressed her concern that the Pathway Committee representative to meetings has been eliminated by Chairman DuBose Montgomery and hoped this participation could be re-established. Ewald added that she would like the new members to be "pro" off-road pathways.

Ron Knapp, 11921 Hilltop Drive, commented that he has attended a number of Pathway Committee Meetings and found the meetings to be well attended and the members to be very resourceful and dedicated. He added the meetings often went late into the night and no one ever complained of the work load. Knapp has submitted an application for consideration of membership, but does not agree with enlarging the committee membership.

William Downey, 14330 De Bell Road, expressed his opposition to increasing the size of the Pathway Committee membership. He suggested sub-committees as a solution to the extra work. Downey stated that the problem was with the leadership and hoped the Council would consider removing DuBose Montgomery and Jorge Fernandez.

Chris Vargas, 13825 Templeton Place, summarized his impressions of the Committee for Council. He believes they do not represent the majority of the Town's interests; several members do not use the pathway system and therefore do not have a clear understanding of its value and have not established the correct priorities. Vargas added the committee should establish a vision, charter and purpose; focus on maintenance and safety; and concentrate on the functionality and purpose of the paths and finally the growth of the pathway system. He noted that Council had two options to resolve the problem with the Pathway Committee: add members or remove the leadership. Vargas supported the removal of leadership.

Scott Vanderlip, 13851 Fremont Pines, outlined his reasons for supporting enlarging the membership of the Pathway Committee: it would allow the committee to undertake new projects and schedule more events, revisit volunteer pathway easement deeds, provide a better outreach program to the community; trail building and trail projects could commence with the development of new walking trail paths and improvements could be made to the equestrian trails. Vanderlip added that it is important to promote and preserve the Los Altos Hills pathway system and urged Council to take the appropriate action tonight and expand the size of the Committee.

John Harpootlian, 26435 Anacapa Drive, noted that the Pathway Committee has been as large as fourteen members in the past and was reduced to nine members and there was not an outcry that the action was politically motivated. He concurred with Scott Vanderlip that there is a lot of work to be done and he supports increasing the membership of the Committee. Harpootlian added that 1100 people who signed the Citizen's Referendum were saying they were not happy with the Pathway Committee and the Pathway Map they developed. Council had several options to resolve these problems and the easiest would be to add members.

Dot Schreiner, 14301 Saddle Mountain Drive, agreed with the comments of Chris Vargas and Scott Vanderlip. Schreiner added that it was important for Council to know the committee for the Citizen's Referendum was able to raise over \$36,000 in a very short time. This clearly reflects the residents' concern with what was happening to their pathway system. Schreiner added the residents are angry and it is time for Council to address the issue.

Sandra Humphries, 26238 Fremont Road, spoke to the issue of politicizing Town committees in the past.

CLOSED PUBLIC HEARING

Councilmember Warshawsky recommended to Council two more members be added to the Pathway Committee as a solution to the problems that had been discussed this evening. Warshawsky stated that he was elected to take action and resolve problems. He is not for radical change and believes that adding members would address the public image issue and be a positive resolution to the problem.

Mayor Pro Tem Cheng noted that Ginger Summit, Fred Fallah, and Nancy Ewald's terms will conclude by April and Council will be making three appointments to the Committee at that time.

Councilmember Kerr stated the paths are a valuable asset to the community and he is very concerned by past actions taken by the present Committee. He would like to see a Committee in place that would be responsive to the will of the residents and take care of the pathways.

Mayor Pro Tem Cheng suggested that the Council postpone adding new members and as an alternative give direction to the Committee.

Mayor Fenwick noted that the Referendum was not a result of the Pathway Map initiated by the Pathway Committee but was addressing the Master Pathway Map that was developed and approved by Council.

Mayor Pro Tem Cheng proposed that the Pathway Committee schedule each member to attend two meetings of the Planning Commission and Council and that would allow the re-instatement of the Pathway Committee representative. She added that residents who walk the paths should report maintenance issues to staff. It should not be the responsibility of the Pathway Committee.

Councilmember O'Malley stated that Council had before them a simple question; should more members be added to the Pathway Committee? He noted that Chairman DuBose Montgomery had worked very hard on the Pathway Map, listened to all committee members' opinions and ran a very fair meeting. O'Malley added that he is diametrically opposed to Mr. Montgomery's views on the paths but could not blame him for the issues that have come before Council tonight. He believed that the Referendum spoke to the residents concerns with the pathways and supports adding new members. This would change the balance of the committee and add new objectivity to their decisions.

Ken Olcott, 12950 Brendel Drive, Pathway Committee member, commented that he was surprised to learn that the committee had an image problem. He acknowledged that the former Council may have had this problem but did not believe this should reflect on the Committee. Olcott expressed his displeasure in being referred to as "anti-path" adding that he was a volunteer working hard for the Town.

Councilmember Warshawsky commented that he believes giving new direction to the Committee would not resolve the outstanding problems. He would like Council to take a deliberate and purposeful action tonight.

Councilmember Kerr thanked the members of the committee for their volunteerism and hoped those members whose terms would soon be up would consider applying for re-appointment.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed by the following roll call vote to add two additional members to the Pathway Committee bringing the number to eleven members.

AYES:	Councilmembers Kerr, O'Malley and Warshawsky
NOES:	Mayor Fenwick and Mayor Pro Tem Cheng
ABSENT:	None
ABSTAIN:	None

Mayor Pro Tem Cheng clarified her No vote for the record. She does not believe the workload of the committee warrants additional members at this time and does not want to set a precedent of politicizing the Standing Committees.

City Attorney Steve Mattas explained to Council that staff is aware that the action taken by Council to change the membership amends Resolution 55-02 and will make the necessary adjustments to reflect their vote and place the updated Resolution on the Consent Calendar for their approval at the next meeting.

Staff was directed to advertise the Pathway Committee open positions and set the appointments for a future meeting.

9. PRESENTATIONS FROM THE FLOOR

Scott Vanderlip, 13851 Fremont Pines, invited Council and the public to participate in the 2nd annual Path Run-Walk to be held on May 10th. The event will start at Westwind Barn at 9am and the kids run will begin at 10:30. The course will be set on gentle trails through out the Town.

Sandra Humphries, 26238 Fremont Road, asked Council to consider agendaizing for a Council Meeting two items: first, consideration of re-implementing the Town's Residential Design Guidelines and second, re-activation of the Emergency Neighborhood Coordinator program. Humphries explained her request by noting the guidelines' role in protecting conservation easements and the need for the Emergency Neighborhood Coordinators to receive training. Humphries would also like to give the Coordinators access to Town records to enable them to identify new residents.

Dot Schreiner, 14301 Saddle Mountain Drive, concurred with Sandra Humphries' comments and added the Residential Guideline was a very useful planning tool and she hoped Council would consider revising it.

John Harpootlian, 26435 Anacapa Drive, commented that clear, understandable ordinances are far more valuable than guidelines that interpret a code or ordinance. If something is confusing, it should be re-written. Harpootlian added that staff should be responsible for explaining the planning process to applicants.

Sandra Humphries, 26238 Fremont Road, noted for Council that the Design Guidelines had been based on the Town's Ordinances.

Councilmember O'Malley commented that a committee had spent six months developing the Design Guidelines. Some details in the manual were supported by codes and ordinances and some direction included was very subjective. O'Malley would not be adverse to revisiting the issue and added that if a new Design Guideline were developed it should reflect the Town's codes.

11. PUBLIC HEARINGS

11.1 Adoption of (Clarification of Wording) to the Town's Zoning Code with Regard to the Basement Definition (Section 10-1.208)

Planning Director Carl Cahill introduced this item to Council. He explained that Council had reviewed and voted to introduce the ordinance at their last City Council Meeting of February 6, 2003. At tonight's meeting, staff is recommending Council approve the proposed amendment to the Municipal Code that will clarify the language to the basement definition.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to adopt the clarification of wording to the Town's Zoning Code with regard to the basement definition. (Section 10 –208)

11.2 A Request for a Lot Line Adjustment, Lands of Poole, 26041 Moody Road (79-02-LLA)

Planning Director Cahill presented a brief overview of this item to Council. He explained that on October 10, 2002, the Planning Commission voted 5-0 to recommend that the City Council approve the requested lot line adjustment. Cahill noted that the Town's Codes are silent regarding this issue and do not address lot line adjustments. The standard Town process includes a public hearing at the Planning Commission and Council consideration of approval.

Cahill addressed an earlier question of Councilmember Kerr regarding pathway requirements, clarifying that the Pathway Element of the General Plan exempts lot line adjustments, however, a pathway could be required at the time of site development for a new residence on either lot.

OPENED PUBLIC HEARING

Jim Vehill, Civil Engineer for the applicant, addressed Council. He noted that the purpose of the request for a lot line adjustment was to reconfigure the two existing lots into more suitable sites. He is not aware of any plans to develop the property.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by O'Malley and passed unanimously to approve the request for a Lot Line Adjustment, Lands of Poole 26041 Moody Road.

12. ADJOURNMENT

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the February 6, 2003 Regular City Council Meeting were approved at the Regular City Council Meeting of February 20, 2003.